



Senate

General Assembly

January Session, 2013

File No. 331

Senate Bill No. 191

Senate, April 4, 2013

The Committee on Transportation reported through SEN. MAYNARD of the 18th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. (NEW) (*Effective October 1, 2013*) (a) As used in subsection
2 (b) of this section, (1) "vulnerable user" means: (A) A pedestrian; (B) a
3 highway worker; (C) a person riding or driving an animal; (D) a
4 person riding a bicycle; (E) a person using a skateboard, roller skates
5 or inline skates; (F) a person operating or riding on an agricultural
6 tractor; (G) a person using a wheelchair or motorized chair; and (H) a
7 blind person and such person's service animal, and (2) "public way"
8 includes any state or other public highway, road, street, avenue, alley,
9 driveway, parkway or place, under the control of the state or any
10 political subdivision of the state, dedicated, appropriated or opened to
11 public travel or other use.

12 (b) Any person operating a motor vehicle on a public way who fails
13 to exercise reasonable care and causes the serious physical injury or
14 death of a vulnerable user of a public way, provided such vulnerable

- 15 user has shown reasonable care in such user's use of the public way,
16 shall be fined not more than one thousand dollars.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2013</i>	New section
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TRA *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note**State Impact:**

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Revenue Gain	up to 25,000	up to 25,000

Municipal Impact: None

Explanation

The bill results in a potential revenue gain to the General Fund of up to \$25,000 per year associated with establishing a \$1,000 penalty for a motorist who causes injury to a vulnerable user of a public way. It is anticipated that relatively few offenses will occur or be charged.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future.

OLR Bill Analysis**SB 191*****AN ACT CONCERNING THE PENALTY FOR CAUSING HARM TO A VULNERABLE USER OF A PUBLIC WAY.*****SUMMARY:**

This bill establishes a penalty for a motorist who, failing to exercise reasonable care on a public way, seriously injures or causes the death of a “vulnerable user,” provided the vulnerable user exercised reasonable care in using the public way. A driver who causes such injury or death faces a fine of up to \$1,000. Reasonable care is the degree of care that a prudent and competent person engaged in the same endeavor would exercise under similar circumstances.

The bill applies to any public way, including a public highway, road, street, avenue, alley, driveway, parkway, or place, under the control of the state or any of its political subdivisions, dedicated, appropriated, or opened to public travel or other use.

Depending on the circumstances, such conduct may already subject drivers to penalties under existing criminal laws, including:

1. misconduct with a motor vehicle (CGS § 53a-57);
2. negligent homicide with a motor vehicle (CGS § 14-222a); and
3. aggravated endangerment of a highway worker (CGS § 14-212d) (see BACKGROUND).

EFFECTIVE DATE: October 1, 2013

VULNERABLE USERS

Under the bill, vulnerable users include:

1. pedestrians;
2. highway workers;
3. bicyclists;
4. anyone riding or driving an animal (e.g., driving a horse-drawn vehicle);
5. skaters, skateboarders, and roller bladers;
6. people driving or riding on a farm tractor;
7. people in wheelchairs or motorized chairs; and
8. blind people and their service animals.

Although the bill does not define highway worker, the term is defined for the purpose of highway work zone safety laws (see BACKGROUND).

BACKGROUND

Highway Worker

By law, a “highway worker” is someone required to work on state bridges or roads or in highway work zones, including:

1. a person who maintains, repairs, or builds state bridges, state roads, shoulders, medians, and associated rights-of-way in highway work zones;
2. a person who operates a truck, loader, or other equipment on state bridges or roads or in highway work zones;
3. a person who performs any other related maintenance work, as required, on state bridges or roads or in highway work zones;
4. a state or local public safety officer who enforces work zone-related transportation management and traffic control;

5. a state or local public safety officer who conducts traffic control or enforcement operations on state bridges, state roads, shoulders, medians, and associated rights-of-way; and
6. a state or local public safety officer or firefighter, an emergency medical services provider, or any other authorized person who removes hazards from state bridges or roadways, shoulders, medians, and associated rights-of-way or who responds to accidents and other incidents on state bridges or roads, shoulders, medians, associated rights-of-way, or in highway work zones (CGS § 14-212d).

Related Law: Aggravated Endangerment of a Highway Worker

By law, a driver commits the offense of aggravated endangerment of a highway worker when, while speeding or otherwise driving unsafely in a highway work zone, he or she seriously injures or kills a highway worker. A driver convicted of this offense is subject to a fine of up to \$5,000 if he or she seriously injures the highway worker, or \$10,000 if he or she kills the highway worker, in addition to any other penalty authorized by law (CGS § 14-212d (e) and (f)).

Related Bill

HB 5250, also reported favorably by the Transportation Committee, increases the penalties for violations of various laws in highway work zones.

COMMITTEE ACTION

Transportation Committee

Joint Favorable

Yea 34 Nay 0 (03/15/2013)